IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 223 of 2001
Date of Decision: 14.2.2007

Parveen Kumar ...Petitioner

Versus

Nakli Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Sanjeev Gupta, Advocate, for the petitioner.

Shri Ashish Aggarwal, Advocate, for the respondents.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 22.12.2000, whereby the plaintiff was called upon to affix advalorem Court fee.

The challenge in the suit is to the sale deed dated 18.11.1997 pertaining to agricultural land measuring 4 kanals 17 marlas situated at village Arainpura Tehsil Gharunda Distt. Karnal, for a sum of Rs.91,000/-.

The issue regarding payment of advalorem Court fee in such circumstances has been considered by this Court in **Smt. Beena and others v. Rajinder Kumar and others 2006(2) RCR (Civil) 449; Bhagwan Kaur and others v. Amrik Singh and others (C.R. No. 790 of 2005 decided on 8.8.2006)** and **Dr. Ashok Kumar Goyal v. Arya Mittar and others (CR No. 4265 of 2005 decided on 15.12.2006),** wherein it has been held that in such a suit the Court fee payable is in terms of Section 7

(iv)(c) of the Court Fees Act, 1870 and quantified under Section 7(v) of the Act as amended in the State of Haryana in the year 1974.

In view of the aforesaid judgments, the order passed by the learned trial Court on 22.12.2000, is set aside. The learned trial Court is directed to assess the appropriate Court fee in terms of the aforesaid Judgment and call upon the plaintiff to make up the deficiency in payment of Court fee, if any.

Civil revision stands allowed in the above terms.

14-02-2007 (HEMANT GUPTA)
ds JUDGE